



S/N 09/815919

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Mark L. Jenson | Examiner: | Gentle E. Winter |
| Serial No.: | 09/815919 | Group Art Unit: | 1745 |
| Filed: | March 23, 2001 | Docket: | 1327.003US1 |
| Title: | LOW-TEMPERATURE FABRICATION OF THIN-FILM ENERGY-STORAGE DEVICES | | |

RESPONSE TO RESTRICTION REQUIREMENT
AMENDMENT AND RESPONSE

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Applicant received the Restriction Requirement and Office Action mailed July 18, 2003. Applicant's Attorney, Charles A. Lemaire telephoned Examiner Winter on or about August 21, 2003 and inquired as to the shortened response time allowed by the Examiner of only one month when a 35 USC section 103 rejection was included in the Office Action. Examiner Winter indicated that a three-month response time should have been, and will be provided, extending the response time to October 18, 2003 without extension fees.

A petition for extension of time from October 18, 2003 to December 18, 2003, with fee, is enclosed herewith.

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RESPONSE TO RESTRICTION REQUIREMENT

Applicant has reviewed the Restriction Requirement and Office Action mailed July 18, 2003, wherein the Examiner provided a substantive rejection, and further restricted the claims to one of the following inventions under 35 U.S.C. 121:

I. Claims 1-34, 65-78 and 101-107, drawn to a method of fabricating an energy storage device, classified in class 429, subclass 115.

II. Claims 35-56, drawn to a method for fabricating a thin-film battery device, classified in class 429, subclass 218.

Applicant elects, **without** traverse, the claims of Group I (claims 1-34, 65-78 and 101-107). Applicant has amended claim 101 to improve grammar. New means-plus-function claims 108-115 are based on claims 1-11, and should be in the elected Group I.

Applicant also elects the species of seed material TaN. Claims 71 and 77 specifically and, Applicant believes, all other claims within the elected invention 1-34, 65-78 and 101-107 and new claims 108-115 are readable thereon, since none of the claims exclude TaN as a seed material.

Applicant reserves the right to file divisional application(s) on the non-elected claims if they are not allowed into the present application.

AMENDMENT AND RESPONSE

In the Drawings

Corrections to the drawings have been made in response to the Examiner's objections. Attached hereto are a set of red-lined drawings of Figures 7, 9A, 15A, 15J, 16b, 16E, 17, 19A, 21A, 21B, 23, 24A, 25A, 26A, and 26B of the drawings showing the corrections made, and a complete set of corrected drawings (Figs. 1a through 32b).